AN ENQUIRY INTO THE RIGHTS OF THE EAST-INDIA COMPANY

Of making WAR and PEACE; and of poſſeſſing their TERRITORIAL ACQUISITIONS without the Participation or Inſpection of the BRITISH GOVERNMENT.

In a Letter
to the PROPRIETORS of EAST-INDIA STOCK.
Written in the Year 1769.
And now firſt publiſhed.

LONDON:
Printed for WALTER SHROPSHIRE in New Bond-ſtreet, and SAMUEL BLADON in Pater-noſter Row.
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AN

ENQUIRY

INTO THE

RIGHTS

OF THE

EAST-INDIA COMPANY

Of making [illegible] and [illegible]
and [illegible]
[illegible]
without the [illegible]
of the British [illegible]

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PREFACE.

IT is long ſince the nations, which have the misfortune to live near the Eaſt-India Company's ſettlements, have ſtretched out their induſtrious and helpleſs hands to our gracious Sovereign, imploring his protection from the oppreſſions they were ſinking under; and it muſt give great pleaſure to every one who knows how much the intereſts of Great Britain are connected with thoſe of humanity, to learn, from his Majeſty's ſpeech, at the opening of this ſeſſion, that he had turned his eye to an object ſo worthy of the royal attention. And, ſurely, if there is any ſituation in this life more deplorable than another, it is that of living under the dominion of men, who, wholly intent upon gain, have contrived to eſtabliſh the moſt complete ſyſtem ever known of fraud and

violence.

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violence, by uniting, in the ſame perſons, the ſeveral functions of Merchant, Soldier, Financier and Judge; depriving, by that union, all thoſe functions of their mutual checks, by which alone they can be made uſeful to ſociety.

It is to be hoped that the time is not far off, when thoſe functions, ſo improperly combined, will be again ſeparated: when his Majeſty will reſume, from thoſe Merchants, the ſword, which, by our happy Conſtitution, cannot be placed, with energy or ſafety, in any hand but his own: and when thoſe great territorial revenues in Bengal, which have, of late, been ſo extravagantly accumulated in the coffers of private men, for trifling or deſtructive purpoſes, will be employed in reducing the national debt, as well as in protecting our trade and acquiſitions in thoſe diſtant parts of the world. We might then hope to ſee an impartial adminiſtration of juſtice in India, without its being ſubject to the controul of thoſe

who

who are moſt likely to be the greateſt delinquents. We might then hope to ſee an end to thoſe cruel monopolies, carried on by the Servants of the Company, in the neceſſaries of life, and to which the wretched natives are obliged to ſubmit, with the bayonet at their throats: and we might then hope to ſee thoſe Servants once more attentive to the commercial intereſts of their employers; without attempting to equal, in riches and ſplendor, the firſt nobility of the kingdom. But, what is ſtill of greater importance to the free Conſtitution of this country, we might then hope to ſee ſome ſtop put to the rapid progreſs of corruption at home; which has been, for ſome years paſt, ſo much promoted by the immenſe ſums laviſhed by thoſe Servants of the Company, upon their return from India, in order to procure themſelves admittance into the Houſe of Commons; where none of them, from the nature of their education, can be ſuppoſed to have any thing

to say; and where some of them seem to come, as if they were proud of the privilege they had acquired, of mocking the insufficiency of our laws, and of insulting that honourable Assembly, by their presence.

In objection to this salutary change, it has been often urged, "That in a free "country like ours, the individuals have "their legal rights as well as the state; "and that it is always matter of just alarm "when the supreme legislative power lays "its heavy hand upon those rights, even "where there is reason to believe that "they have been abused." In this I entirely agree. But when they proceed to tell us, "That the East-India Company "have a legal right of making War and "Peace, and of possessing their territorial "acquisitions, without the participation "or inspection of the British Government," I find myself obliged to give my dissent. The grounds of that dissent are to be found in the following Letter, written

above

above two years ago, when Sir JOHN LINDSAY was appointed to command his Majeſty's ſhips in the Eaſt-Indies; and though the occaſion which produces it now, is ſomewhat different from that which at firſt gave birth to it; yet I have ſuffered it to appear before the public in its original ſhape; and the rather, becauſe in that ſhape it recalls the memory of a tranſaction, by which the true ſpirit of the Gentlemen who have the management of the Company's affairs in Leadenhall-ſtreet, had a fair opportunity of diſplaying itſelf.

London, Feb. 18,
1772.

late [illegible], [illegible] [illegible], [illegible] [illegible] Lord
[illegible] was appointed to command his
Majesty's ships in the East Indies; and
though the occasion which produced it
are, is somewhat different from that
which at first gave birth to its [illegible]
have suffered it to appear before the
public in its original [illegible]; and the [illegible]
ther, because in this [illegible] it recalls [illegible]
memory of a transaction [illegible]
true spirit of the C[illegible]
the disappointment of the [illegible]
in Leadenhall-street, [illegible]
of employing them.

London, Feb. 18.
1782.

A
L E T T E R
TO THE
Proprietors of East India Stock,
CONCERNING
The Company's Rights of making War and Peace, &c.

Gentlemen,

I Was at your general meeting on Tuefday laft, and find, by a letter fent that day by Lord Weymouth, that the difpute which has for fome time fubfifted between the Miniftry and your Directors is now fully explained, and reduced to this fingle queftion, *Whether the officer appointed to command his Majefty's fhips in the Eaft Indies fhall be confulted, and have a voice, in all matters relative to peace and war in thofe parts?* To which I find the leading men

in

in the Direction are very defirous you fhould give a negative, faying, *that the King's Officer fhall be called in and confulted by the Supervifors, whenever they fhall ftand in need of his advice or affiftance, but that he fhould have no vote in the deliberation.*

Thefe are opinions very effentially different from one another; and which of the two will be moft conducive to the honour and intereft of the Company will fall upon you to determine at your next General Court, which is to be called for that purpofe. *

In the mean time, I could not help obferving the different tones with which thofe different pretenfions were urged on the fide of the Miniftry and on the fide of the Directors: for while his Majefty, through his Secretary of ftate, defired, in a moft gracious and condefcending manner, that

* It was then determined that the King's officer fhould not be admitted to any fhare with the fervants of the company, in their deliberations concerning peace or war.

that the Directors would *allow him ſome ſhare of power* in the management of peace or war, the Directors, as if they had meant to exhibit to our view the Saturnalia of the ancient Romans, told us in an elevated ſtrain, *that they had already, by their inſtructions, given as much power to the King's officer as they thought convenient, and were not willing to give any more.*

Struck with the oddity of this ſcene, I was once on my legs to aſk from whence they derived thoſe royal prerogatives of making peace and war, which they had, in ſo unlimitted a manner, delegated to Meſſrs VANSITTART, SCRAFTON, and FORDE, and of which they were ſo unwilling to communicate a part to their Sovereign; but was ſaved that trouble by one of the twenty four, who told us, *that he would, to the utmoſt of his power, ſupport theſe rights of the Company, which were derived from acts of parliament, and royal Charters founded upon acts of parliament.*

Having got ſo far into this enquiry,

I reſolved

I refolved to get to the bottom of it; and accordingly, upon my return home, gathered together all the Acts of parliament, and all the royal Charters, that had been made refpecting *this* Company, and will now communicate to you, my fellow Proprietors, what has occurred to me on the perufal of them; that fuch of you, as have not taken the fame pains, may be enabled to judge, whether the pretenfions to Sovereignty are beft founded at the eaft or at the weft end of the town.

The firft royal Charter given to *this* Company, and the firft that was ever founded on an Act of parliament, is that of the tenth year of King WILLIAM III. in which all that is faid, with refpect to the powers of making peace or war, is comprifed in the following words: "*Such* "*governors or officers fhall and may, according* "*to the directions of the faid company, raife,* "*train and mufter fuch military forces as fhall* "*and may be neceffary for the defence of the* "*faid*

"*said forts, places and plantations respective-*
"*ly.*" Here is no power granted beyond what every man seems to derive from the Great Charter of God; to wit, that of defending himself in the best manner he can, when that human power to which he owes allegiance, and from which he has a right to expect protection, is at too great a distance to afford it to him. Here is not the least hint of this Sovereign power being deprived of the right of interposing its advice and assistance, whenever it shall think such advice or assistance necessary; on the contrary, as if the present ridiculous dispute had been foreseen, the following words are added: "*The sovereign*
"*right, power and dominion over all the said*
"*forts, places and plantations, to us, our*
"*heirs and successors, being always reserved.*"

In none of the subsequent Charters is there any thing worth observing, with regard to peace and war, 'till we come to the Charter of the thirteenth of King George I. and to that of the 26th of his late

late Majeſty, commonly called *the Charter of juſtice*, where a variety of acts of hoſtility are permitted to the Company, but ſtill ſtrictly confined in their cauſe, as in the charter of King WILLIAM, to what is *defenſive* and what is *juſt* only. The words are— "*To aſſemble, exerciſe in arms, martial,* "*array, and put in warlike poſture, the* "*inhabitants of the ſaid towns and places,* "*either by ſea or land, for their eſpecial* "*defence and ſafety, and to lead and conduct* "*them, and to encounter, repulſe, expel and* "*reſiſt, by force of arms, as well by ſea, as* "*by land, and alſo to kill, ſlay and deſtroy,* "*by all fitting ways, enterprizes and means* "*whatſoever, all and every ſuch perſon or* "*perſons as ſhall or may, at any time* "*hereafter, in a hoſtile manner, attempt* "*or enterprize the deſtruction, invaſion,* "*detriment or annoyance of any of our ſubjects* "*within the ſaid towns and factories and* "*limits, or any of their ſervants, or perſons* "*dealing with them; and in time of war,* "*or open hoſtility, to uſe and exerciſe martial*

"*diſcipline*

" *discipline and the law martial, in such cases*
" *as occasion shall necessarily require and may*
" *legally be done, and to take and surprize,*
" *by all ways and means whatsoever, all and*
" *every such person or persons, with their*
" *ships, armour, ammunition, and other goods,*
" *as shall in hostile manner, invade or*
" *attempt the defeating or destruction of the*
" *said towns and places, or the hurt of any of*
" *our subjects inhabiting there, or any of their*
" *servants, or persons employed by them, and,*
" *upon* JUST CAUSE, *to invade and destroy*
" *enemies of the same.*"

Here seems to be granted as great a latitude of pillage and destruction as any honest man could wish; and yet, in less than five years, those gentlemen who had the management of the Company's affairs did not think it sufficient. This gave rise to the Charter of the 31st of his late Majesty, commonly called *the Charter of plunder*; of which, as it is the main pillar of the extravagant pretensions of the majority of our present set of Directors, I shall

I ſhall enter into a more particular diſcuſſion, and ſhall relate to you its hiſtory, as well as its contents.

When, upon the defeat and murder of SURAJAH DOULA in 1757, much plunder was taken, ſome territory acquired, and a clear proſpect opened to the Company, or, to ſpeak more properly, to the Servants of the Company, of much more booty and much more territory, they began to be alarmed at their own good fortune; apprehending, and not without reaſon, that the Britiſh government would claim a ſhare in thoſe acquiſitions. So, to ſecure to themſelves whatever they might acquire, before the true value of it was known and attended to, the Directors thought it fit to apply by petition to his late Majeſty. The particular purpoſes of this petition were; firſt, to obtain an unlimited power of making war and peace with every Prince or people, not Chriſtian, in the Eaſt Indies. To effect this, they thought nothing

nothing could be more conducive than a precedent; ſo they began their petition by ſetting forth, "*That by ſeveral charters,* "*or letters patent, granted by his Majeſty's* "*royal predeceſſors to* FORMER *companies* "*trading to the Eaſt Indies, ſuch* FORMER "*companies have had power to ſend ſhips of* "*war to their ſettlements in the Eaſt Indies,* "*to raiſe and keep a military force, and to* "*make peace or war with any Princes or* "*people, not Chriſtian, in any place of their* "*trade.*" This power of *making peace and war* had never, as is here confeſſed, been granted to *this* company; ſo, to find what is here alluded to, I was forced to ſearch into the charters of *former* companies, and, at laſt, found, in the charter of King Charles II. to a Company, very differently conſtituted from the preſent, the following words: — "*To give power and* "*authority, by commiſſion under their common* "*ſeal, or otherwiſe, to make peace or war* "*with any Prince or people, not Chriſtians,* "*in any place of their trade, as ſhall be moſt*

"*for the advantage and benefit of the ſaid* "*Governor and Company, and of their trade.*" —A power diſhonourable to the Company that deſired, to the lawyer who penned, and to the King who granted it. Yet ſuch a power did our directors for the time expect from King GEORGE the ſecond But they miſtook their King, who was too well acquainted with the laws of humanity to empower a trading company to traffick in the lives and fortunes of their fellow creatures, upon ſo unjuſt and irrational a diſtinction as that of their not having embraced a revelation, which, to their great misfortune, had never been revealed to them. And, if they miſtook the diſpoſition of their King in ſuppoſing he might conſent to ſuch a charter, they were no leſs miſtaken in ſuppoſing that men of liberal minds, like Mr. PRATT and Mr. YORKE, then Attorney and Solicitor general, would ever lay ſuch a charter before him. And accordingly, although the preamble to their Petition was adopted

as the preamble to the royal charter, the unlimited powers alluded to in it were never granted, or ever intended; as will more fully appear in the course of these observations.

As to the body of this petition it was made up of two articles, one respecting booty, the other respecting territory.

Concerning the booty, the words in the petition run thus: "That your "Majesty will be pleased to grant to the "East India company, and their successors, "all such plunder and booty as may be "taken by any of their land or sea forces "from any of your Majesty's enemies, or "the Indian enemies of the said company, "with the like exception as is contained "in your Majesty's patent of the 17th "September last." * This clause was admitted

* The patent here alluded to was given for the single purpose of distributing certain booty, already taken in the war carried on against the Nabob Surajah Doula, by the King's ships under Admiral Watson in conjunction with the Company's troops under Colonel Clive.

admitted into the charter with three provisos, the reasons of which are set forth by Mr. PRATT and Mr. YORKE in a letter they wrote to his Majesty, Dec. 24th 1757, accompanying the draught of the Charter.

The PROVISOS are,

1. "Provided those captures are made "within the limits of the charter."

2. "Provided those captures are made "in a defensive war, or during a state of "hostility, commenced merely for the pro-"tection of their trade and settlements. "*This is agreeable*, say they, *to the terms* "*and intention of all the charters given to the* "*Company by your Majesty, or your royal* "*predecessors, which empower them to make* "*war in the East Indies, only to recompense* "*themselves for losses, or to repel invaders.*" So that it is plain, from the opinions of those learned gentlemen who framed this charter, that the powers conveyed by it, of making peace and war, are not a jot more extensive than those conveyed to

to them by the former charters, the nature of which has been already explained.

3. "Provided that thoſe captures are "made by the Company's forces alone, "and not in conjunction with thoſe "commiſſioned by your Majeſty's autho-"rity; which will leave it in your Majeſty's "breaſt, in caſe of joint expeditions, to "diſtribute the plunder or prizes made, "amongſt the officers, ſoldiers and ſea-"men in your ſervice, and thoſe employ-"ed by the Company, according to their "reſpective merits, in ſuch manner as "may be agreeable to your royal wiſdom."

Come we next to that part of the petition concerning territory, which runs thus: "That they may hold and enjoy, "ſubject to your Majeſty's right of ſove-"reignty, all ſuch fortreſſes, diſtricts "and territories, as they have acquired, "or may hereafter acquire, from any "nation, ſtate or people, by treaty, grant "or conqueſt; WITH power to reſtore, "give up, and diſpoſe of the ſame, as they

"ſhall

"shall from time to time see occasion; "subject nevertheless to your Majesty's "disposition and pleasure as to such lands "as may be acquired by conquest from "the subjects of any European power."

The first clause of this part of the petition, concerning the Company's obtaining a right from his Majesty, of holding the territories they might acquire, was entirely rejected; and reasons given for the rejection by his Majesty's learned servants, in the following words: "In respect to "such territories as have been, or shall "be acquired, by treaty or grant, from "the great Mogul, or any of the Indian "powers or governments, your Majesty's "letters patent are not necessary, the "property of the soil vesting in the com- "pany by the Indian grant, * subject only "to

* The virtue here ascribed, by the Attorney and Solicitor General, to grants from Indian Princes, can only be meant of such as have been procured from Princes who are free from constraint, and who are possest both of the legal and actual power of making their concessions good. But of such grants the East India company has never been honoured

" to your Majeſty's right of ſovereignty, " over the ſettlements, as Engliſh ſettle- " ments, and over the inhabitants, as " Engliſh ſubjects, who carry with them " your Majeſty's laws wherever they form " colonies, and receive your Majeſty's pro- " tection by virtue of your royal charters. " With reſpect to ſuch places as have lately " been acquired by conqueſt, the property, " as well as the dominion, veſts in your " Majeſty, by virtue of your known pre- " rogative; and, conſequently, the Com- " pany can only derive a right to them " through your Majeſty's grant. But we " ſubmit our humble opinion to your " Majeſty, that it is not warranted by " precedent, nor agreeable to ſound policy, " nor to the tenor of the charters which " have been laid before us, to make ſuch " a general grant not only of paſt, but of " future

honoured with any, except that of the Emperor Furrukseer in 1715, when he beſtowed upon them fifteen *begas*, or acres of land, wherever they ſhould have occaſion to build factories.

"future contingent conqueſts, made upon "any power, European or Indian, to a "trading company. Many objections "occur to it, more material to be weighed "than explained. If at any time the Eaſt "India company, in the proſecution of "their juſt rights, ſhall chance to conquer "a fortreſs or diſtrict which may be con- "venient for carrying on their trade, and "is afterwards either ceded to them by "treaty, or proper to be maintained by "force, it is time enough to reſort to "your Majeſty, for your royal grant, "whenever the caſe happens."

The latter clauſe, concerning the power of reſtoring, giving up, and *diſpoſing* of what they might conquer, was granted. It had been aſked, upon a doubt that the Company was not enabled, by any of their then ſubſiſting charters, to yield up conqueſts made on the Indian Princes or Governments, without his Majeſty's licence in every inſtance, the procuring of which might be attended with great delay

delay in preſſing exigencies: and it was granted, as appears from the letter juſt cited, upon this humane principle, that although it might be dangerous to encourage the company to invade the lands of their neighbours, by allowing them to appropriate whatever they might ſo lay hold on; yet to encourage them to make peace, could not be liable to objection; and the two learned gentlemen obſerve, *that without this power of ceding what they had conquered, they might have the permiſſion of making peace, without the means of obtaining it.* I cannot, however, avoid obſerving, that this power, without a particular attention from His Majeſty, is ſubject to great abuſe; eſpecially in the hands of rapacious men, who, without caring for what is to follow, are deſirous of returning to their own country with enormous ſums of money acquired in a ſhort time. The power of *diſpoſing* of what they conquer may eaſily incline ſuch men to conquer lands for the ſake of *diſpoſing of them* to

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the beſt bidder; and I am not ſure but that the annals of India have already furniſhed examples of ſuch abuſes *.

And, indeed, without His Majeſty's particular attention to the conduct of the Eaſt-India Company abroad, not only this, but all the former charters, might ſerve as authority for every degree of cruelty and rapine. It is ſaid, for inſtance, that the Company's officers may, *upon juſt cauſe*, invade and deſtroy their enemies: but it could never be meant that they ſhould have the ſole cognizance, and be the ſole judges of their own tranſgreſſions. Certainly not; for, if ſo, the ſovereign power, expreſſly reſerved by the Charters, would virtually devolve upon them: and they would be truly ſovereign, and anſwerable to God alone for the injuſtice of their wars; a pretenſion which

* See Mr. Bolts's account of the ceſſion of the Zemindary of Bulwant Sing to SOUJAH AL DOULAH. *Conſiderations on Eaſt-India affairs. Chap. iii. page 30.*

which I have not yet heard any Director bold enough to assert.

To return to my *Charter of Plunder.* It appears to me, upon a full consideration of it, with all its accompaniments, that the Directors were exceedingly unlucky in having obtained it; for it certainly does not convey any Right of which they were not possessed before; but, on the contrary, by their bringing forth this new charter, so explained by those learned men, who had the framing of it, and so understood by the King when he gave it his Royal sanction, they have lessened the validity of King WILLIAM's charter, by which all their future acquisitions seem to have been secured to them, as far as words can go, in the most unlimited manner. For the charter of King WILLIAM says, "*That* "*the Company shall be a body politic and cor-* "*porate, capable in law to have, take, pur-* "*chase, receive, hold, keep, possess, enjoy and* "*retain, to and for the use of them and their* "*successors, any manors, messuages, lands,*

"*rents,*

"*rents, tenements, liberties, privileges, franchiſes, hereditaments and poſſeſſions whatſoever, and of what kind, nature and quality ſoever; and moreover to purchaſe and acquire all goods and chattels whatſoever, wherein they are not reſtrained by the ſaid act; and alſo to ſell, grant, demiſe, alien or diſpoſe of the ſame manors, meſſuages, lands, rents, tenements, liberties, privileges, franchiſes, hereditaments, poſſeſſions, goods and chattels, or any of them.*" Here the Company is authorized to *take, acquire and retain, for their own uſe, all manner of lands, rents or goods*; and again, *to alien and diſpoſe of*, at their pleaſure, all ſuch *lands, rents, and goods*; and this in ſuch a profuſion of different terms, as if the whole words of the language were to be guarantees for this unlimited Right of acquiring and alienating. It may be ſaid, indeed, and I believe juſtly, that King WILLIAM and his learned council had it not in their contemplation to permit, by any, or all of thoſe words, that the Kingdoms of Bengal,

Bahar,

Bahar, and Oriſſa, ſhould be claimed as private property, or diſpoſed of as ſuch, by the Eaſt-India Company; or that the Crown ſhould not claim a Right of being conſulted in the diſpoſal of them or their revenues. But this reſervation would have equally ſubſiſted in whatever words the charter had been conceived, and would equally ſubſiſt under any new charter; the elementary principles in every government not only empowering, but requiring the ſupreme power to wave every conſideration of private Rights, whenever ſuch private Rights become, in a great degree, detrimental or dangerous to the public.

How far an Act of parliament might limit His Majeſty's known prerogative of making peace or war in any particular part of the globe, I will not take upon me to enquire. The enquiry is altogether foreign to the preſent ſubject, as no ſuch Act of parliament can be here alledged. The Right of appointing a *ſole* Plenipo-

tentiary

tentiary for treating with Indian, as well as with other Princes, is certainly ſtill veſted in His Majeſty; but the exerciſe of ſuch a Right would not fully anſwer His Majeſty's gracious purpoſe, which is to aſſiſt the Eaſt-India Company, and to aſſiſt them in ſuch a way as their own knowledge in their own affairs ſhall point out to the judgment of his Servant, in council and in concurrence with theirs. Where there is a common intereſt of ſuch great importance, ſound reaſon ſeems to demand, that the care and deliberation concerning it ſhould be in common likewiſe: and it is to our reaſon His Majeſty is pleaſed to appeal, not in the tone of an imperious maſter to his ſervants, but in that of an indulgent parent to his children.

You may perceive, my fellow Proprietors, that in this long letter I have ſaid very little with regard to the expediency or utility of the propoſed meaſure. This is owing

owing to my having obſerved, that the controverſy, at our laſt meeting, did not turn upon that point, but barely upon the impropriety of ſuffering any encroachment to be made upon the Company's eſtabliſhed Rights. Were any encroachment intended upon the juſt or legal Rights of the Company, there is no one would be ſeen more forward in their defence than myſelf, both as a friend to the Company, and as a friend to the ſtate. The ſecurity of private property, and of private rights of every kind, is the root of commerce, of population, of riches, and of ſtrength in every ſtate; and the ſtateſman, who takes any ſtep by which thoſe private Rights are rendered precarious, diſcovers himſelf to be but ill qualified for the place he fills. But here is no ſuch invaſion attempted; but, on the contrary, an attempt of private perſons to invade the Rights of the public, by challenging to themſelves a prerogative which belongs only to the heads of kingdoms and independent Republics. I have, therefore,

therefore, endeavoured to ſhew you what are in reality the Rights of the Eaſt-India Company with regard to making peace and war, by quoting what is to be found in our ſeveral charters concerning them, and ſhall now recapitulate and ſum up the whole, by obſerving:

That whatever paſſages are to be found in thoſe charters concerning peace and war, are merely emanations of the royal Will and Pleaſure; no ſuch being ſpecified in the Act of Parliament, which only authorizes King WILLIAM and his ſucceſſors to grant to the Company, from time to time, by their letters patent, ſuch powers and privileges as to him or them ſhall ſeem fitting.

That in none of thoſe letters patent, or charters, is it ſaid, in expreſs terms, that the Company is abſolutely empowered to make war and peace; and that what is mentioned in thoſe charters concerning acts of hoſtility, is ſtrictly confined to ſuch acts of hoſtility as are for the defence of the Company's property, retaliation of injuries,

or

or other *juſt cauſe*, the judgment of which cannot, in common ſenſe, reſt with the Company; but falls to His Majeſty, the ſupreme Arbiter, by the Britiſh conſtitution, of all matters of peace and war.

That, although King William and the ſucceeding Kings of England, had not expreſly reſerved to themſelves their ſovereign Right and Authority over the Eaſt-Indian ſettlements, and had granted to the Company the moſt unlimited power of making war and peace; yet could they not, by any form of words, denude themſelves of that ſovereign power, and could only be ſuppoſed to have delegated it to the Company, as to their Attorney or Plenipotentiary, till ſuch time as it ſhould be their royal pleaſure to reſume or limit it.

That, as by the Charters of the 13th of King George the firſt, and of the 27th of King George the ſecond, the Company is authorized *to invade and*

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deſtroy upon Juſt Cauſe only, and are particularly amenable to His Majeſty for any breach of their Charter in this reſpect, it is perfectly regular and neceſſary that His Majeſty ſhould have complete knowledge, from his own Officer, of the riſe and progreſs of all wars carried on in the Eaſt-Indies, in order to know what wars are carried on in compliance with the terms of the Charter, and what not.

And laſtly, That when there is the greateſt reaſon to believe, that the Company's Servants have made a greedy and dangerous uſe of thoſe powers, we ought to admire His Majeſty's goodneſs, who, inſtead of depriving us of them altogether, endeavours to interpoſe his fatherly care in preventing any farther abuſe of them,

Before I conclude this paper, give me leave, my fellow Proprietors, to add one general Obſervation, which ſtruck me on comparing together the ſeveral Charters of the Eaſt-India Company, which is, that

in proportion as the *real* power of the Company increaſed, its *legal* power and authority have been diminiſhed. How far it will be for the advantage of the Proprietors, that Government ſhould ſtill proceed in narrowing the bounds of the Company's authority, I will not now enquire: but thoſe who think farther limitations diſadvantageous, will, in my humble opinion, find that the moſt effectual method to prevent them, will be by uſing the power they ſtill poſſeſs, with juſtice and humanity towards thoſe they call their ſubjects in India; and with modeſty and obedience to thoſe whom they ought to conſider as their Rulers in Great Britain. I am, with great reſpect,

Gentlemen,

Your moſt obedient,

and moſt humble Servant,

An old Proprietor,

London, Auguſt 18,
1769.